

App. F. IX-4

Previous References

May 148 38-12

1934
(May)

File No. 190-40

Serial Nos. 1-4

Later References.

Dec. 5, 1930.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. four

Part B for May 1941

SUBJECT.

The usufructuary mortgage of lands by Mr Veera Vana
Nallur Subba Rao for a sum of Rs 15,000, due to
Sri Srinagar Mutt - releasing the lands of Aravankulam
Village from mortgage after accepting the sum of
Rs 2,500 being the sale price of the lands

N. 2772 & 13/5/41

The Muzrai Commissioner.

WD 0573-GPB-22,500-12-9-89

States that there is no legal objection to
accept the proposal to release the lands

CK Rao
30/6/41

3415/40
p

General and Revenue
Secretariat

File No.

190

of 194 0

[App. F. III-2

Serial
No.

Letter no 6441/40-41 of 18.11.40
From The Mysore Court in Mysore
With reference to your letter dated 21.11.40
Requests legal advice in the matter of
releasing certain property mortgaged by the
Mysore State for Rs. 1500 in favor
of the Mysore Court in August 1935.

The file will be sent to the
Legal Section for legal advice in the
matter, if approved.

BT
3/12/40. The amount is con-
sidered a fair price for the land
sold and now sought to be
released. But there is no
definite statement of the
remaining properties under
mortgage constitute sufficient
security.

3 for Mysore Court

Law Section

4/12

4/12

3/14

5- The Mysore Court is

consulted

4/12

Law Secy



NOTE—Contn. Sheet.

Law 61 of 40

7th Dec 1940

General and Revenue
Secretariat

U.C No. p 70940 dated 23/12/40

Serial
No.

6 Forwarded with compliments
the Govt. Advocate for favour of opinion
M K Varadachari
Just Secy to Govt
23/12/4

410.57874071
23.12540

Returned with compliments.

From the purely technical point of view, there does not seem to be any objection to the acceptance of the proposal. I may add that, while according to the report, the value of the land to be released is a fourth of the present estimated value of the security, the deduction in the rent claimed is not also a fourth but is in excess of that by ~~1 1/2 times over and over again~~ a half of it. It may lead to an inference that the price of the land is less by one-third of what it fetched, viz., by - Rs.833-5-4, not a small sum when the Mutt has to lose Rs.5,000/- which is a third of the amount due if the total estimate of Rs.10,000/- be correct.

2.0 No. 63/40.41
 7 3.1.41.

Mortendallum naranappa

Government Advocate.

H/3.1.41.

4/11/41

Mr & Mrs
Mugger
We

6/1/41

9) It may be ascertained definitely whether the treatment of disease by help of sun will constitute a sufficient

Serial
No.

Security for the loan &
why the loan for the balance
of the secured lands should not
be enhanced

GENERAL SECRETARY.

6 JAN. 1941

100

But 60 yrs 41/1/41

2/1/41

A chart to the Muzrai Comm is perhaps

BT
8/1/41 8/1/41

8/1/41

1407 dated 23.1.1941

The Muzrai Comm--
calls for information in the form
of a table in form of the notes in the

letter no 441 dated 12.4.41

From the Muzrai Comm in reply--
Furnishes the information called for above
(1) The Muzrai Comm has stated that the
balance of properties now remaining would not
be sufficient security for the balance of the
loan, that this question does not properly
arise now and need not stand in the way of
the Muzrai Securing the sale price of Rs 2500
for the property now sold and that it is
safer to take from the Subbador, a loan to
close for the remaining lands for the note to
yield therefrom.

1580
7

Serial No.

(137) Ltr with reference to paras 7-10 of the
notes supra
14 The Advocate General
may be consulted again
25/4/41
26/4/41

15 forwarded with compliments to the
Advocate General in Mysore for
favor of remarks.
26.4.41
2 Gentl. Ltr to Govt

Returned with compliments.

As mentioned by me on 3-1-1941, (vide: para 7
of my note of that day), there is no legal objection
to accept the proposal. Its beneficial character
is a matter for consideration and orders of the Govern-
ment.

Mortimer
Advocate-General.

H/3.5.1941.

18 The Hon. Secy may
be consulted
26/4/41

2-1-41
19/4/41
7.5
17/5/41

26 APR 1941
2941

U O No 24-40
26th April 1941
For 962/40-41
2946-41
No. 122
40-41
9 525-41

GENERAL SECRETARY
5 MAY 1941
K

GENERAL SECRETARY
6 MAY 1941
3171

OF THE
SECOND MEMBER OF THE
6 MAY 1941
No. 11215

Serial
No.

(21) A draft order to the Muzrai is pending,

BT
14/5

/ Jm fye



16/5

277 - order 13.5.41.

The Muzrai Com-
missioner has no legal
obligation to accept the proposal.

File No.

of 194 .

General and Revenue
Secretariat

Serial
No.

M. C. 13] *10/11*

No. C.441/40-41 .

ENCL. *1 file*

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, ~~NOVEMBER~~ 18, ... 194

FROM

RUKN-UL-MULK

S. ABDUL WAJID, B.A.,

Muzrai Commissioner in Mysore.



To

.....
Secretary to the Government of His Highness

the Maharaja of Mysore,

190-40-1

.....Department.

GENERAL SECRETARY.

20 NOV. 1940

Muz

SIR,

Re. the usufructuary mortgage of lands by Mr. Veeravanallur Subba Rao, for a sum of Rs 15,000 due to Sri Sringeri Mutt - releasing the lands of Aravankulam Village from mortgage, after accepting the sum of Rs 2,500 being the sale price of the lands.

Adverting to correspondence ending with your letter No.798/Muz. 148-38-2 dated 21-11-1938, re. the usufructuary mortgage deed obtained from Mr. Subba Rao of Veeravanallur, for Rs 15,000, in respect of a loan due by him to the Sri Sringeri Mutt, I have the honor to forward herewith a copy of letter No.S2-623/40 dated 12-9-1940 from the Deputy Commissioner, Kadur District, and that of letter No.O.C.3/40-41 dated 8-11-1940 from the Officer-in-Charge of Sringeri Jahagir and its properties, on the above subject; and to state as follows.

The Deputy Commissioner, in his letter dated 12th September 1940 reported that Mr. Subba Rao has sold away the lands in Aravankulam village, mortgaged to the Mutt (among other properties for the loan of Rs 15,000) for a sum of Rs 2,500, and recommended sanction to the proposal of accepting the sum of Rs 2,500 which is stated to be not a low price for the lands, and releasing the lands from mortgage.

Further information as to whether the action of the mortgagor, in having sold the lands without the consent of the Mutt and without discharging the full amount of the loan was correct was called for, and the Mutt's wakil, Mr. R. Krishnaswami Aiyar of Tirunelveli, says that the mere fact that there is a mortgage over the property does

2.

not legally ^{disentitle} ~~entitle~~ the owner from selling it; that the purchaser's liability to the Mutt is limited to the value of the property purchased by him etc. The vakil has advised acceptance of the amount of Rs 2,500 by the Mutt and releasing the properties sold. A copy of the vakil's letter dated 22-10-1940 is enclosed for kind reference.

In the above circumstances, I request you to be so good as to consult the Law Section and obtain sanction of Government, to the proposal of accepting the sum of Rs 2,500 in respect of the lands in Aravankulam village sold by Mr. Subba Rao, and releasing the same from mortgage by the Mutt.

The mortgage bond dated 15th August 1938 and other records enclosed herewith may kindly be returned when done with.

I have the honor to be,

Sir,

Your most obedient servant,

Chandrasekhar

Muzrai Commissioner.

13

FG-1]

SUBJECT.....

Diary No. of letter replied to.....791.....

General and Revenue Secretariat

()
the 19

Date of issue.....23-1-41.....

Signed by ..*S. K. V.*.....

List of enclosures.

Copied by

Examined by

Section

File No.

Serial No

No.

To

L.

Muz -
190.60
See Paper.
The Muzrai Comm
With reference to
ending with 200/100/441/100/40
dated 18.11.1940 regarding
the usufructuary mortgage of
lands by late Veerabhadra Subba
200 for Rs 15000 due to the late
Swarnamurti, I am directed
to state that from the purely
technical point of view, there
is no objection to the
rejection of the proposal. As regards
to the report, the value of the land

So, secured is a fourth of the
present estimated value of the
security, ~~which~~ ^{and} the deduction
in the rent claimed is not also
a fourth but is in excess of that
by half of it. This ~~may~~ ^{may} lead
to an inference that the price of
the land is less by one-third of

what it fetched viz by Rs 837.574 which is
not a small sum when the
Bank has also to lose Rs 5000/-
which is a third of the amount due
if the total estimate of Rs 10,000
is collected. In the circumstances

I am so repeat open to be so good

as to ~~inform~~ ^{and report} after a certain
definitely whether the balance
of security, to be over will constitute
a sufficient security for the
loan and why the rent for
the balance of the secured

lands should not be advanced proportionate to
the loan rep. over

G. R. S. App. F. G. 8.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

The enclosures sent with
the letter are herewith returned
for reference and departmental
action

✓

In Goldwyn's
8/1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 23rd January 1941.

No. 1967

En. Pappas
Aug 190.40.2

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
General Department.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.C.441/40-41 dated 18th November 1940 regarding the usufructuary mortgage of lands by Mr.Veeravanallur Subba Rao for Rs.15,000/- due to the Sri Sringeri Mutt, I am directed to observe that according to the report, the value of the land to be released is a fourth of the present estimated value of the security while the deduction in the rent claimed is not a fourth but is in excess of that by a half of it. This leads to the inference that the price of the land is less by one-third of what it fetched viz., by Rs.833-5-4 which is not a small sum when the Mutt has to lose Rs.5000/- (Rupees five thousand) which is a third of the amount due if the total estimate of Rs.10,000/- is correct. In the circumstances, I am to request you to be so good as to ascertain definitely and report whether the balance of security left over will constitute a sufficient security for the loan and why the rent for the balance of the secured lands should not be enhanced proportionate to the loan left over.

The enclosures received with the letter are herewith returned for reference and retransmission.

I have the honor to be,
Sir,
Your most obedient servant,

Jr
For Secretary to Government,
General Department.

SR/2

M. C. 131

No. C. 441/40-41.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

ENCL. 1 *file*

Bangalore, ...12th.....April.....1941.

16/4 FROM

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore.

16. APR. 1941
1530

To

J. APPALU GOWDA, ESQ., B.A. (HONS.),
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General..... Department.

GENERAL SECRETARY.
15 APR 1941

SIR,

Re: the usufructuary mortgage of lands by Mr. Veera-
vanallur Subba Rao for a sum of Rs.15,000/- due to
Sri Sringeri Mutt - Releasing the lands of Aruvan-
kulam Village from mortgage after accepting the
sum of Rs.2,500/- being the sale price of the lands.

-----:o:-----

With reference to your letter No.1967 /Muz. 190-40-2 dated
23rd January 1941, regarding the above, I have the honour to forward
herewith a copy of letter No.O.C.3/40-41 dated 6th April 1941 to-
gether with its enclosure received from the Officer-in-Charge of Sri
Sringeri Mutt and its properties, Sringeri, and to state that in-
formation on the points raised in your letter under reference is
contained in letter dated 1st April 1941 of the Mutt's Advocate Mr.
R.Krishnaswami Aiyar of Tinnelveli (letter enclosed). It is re-
ported therein that the balance of properties now remaining would
not be sufficient security for the balance of the loan, as the actual
value of the properties was not sufficient even at the time of tak-
ing the mortgage to justify a security in the strict legal sense,
but that this question does not properly arise now and need not stand
in the way of the Mutt receiving the Sale price of Rs.2,500/- for
the property now sold. Even as regards the enhancement of the rent
for the balance of the secured lands on any interest basis without
reference to the real yield, the Mutt's Advocate has opined that if
this is done, the new Agricultural Debtors' Relief Act might become
applicable and the principal amount of the mortgage would become
considerably

considerably reduced and that therefore it is safer to take from Mr. Subba Rao, a rent deed for the remaining lands for the actual yield therefrom.

2) In the above circumstances, I request the favour of early communication of orders in the matter of acceptance of the sum of Rs.2,500/- in respect of the properties sold by Mr. Subba Rao and releasing the same from mortgage by the Mutt.

3) The enclosures received with your letter accompany for reference and kind return, when done with.

I have the honour to be,

Sir,

Your most obedient servant,



Muzrai Commissioner.

4.

BRN.

F G-1]

SUBJECT.....

Diary No. of letter replied to. 1530.

General and Revenue Secretariat

()
the 19

Date of issue 13-5-41

Signed by Mr. S. K. V.

List of enclosures

Copied by

Examined by

Section

Muz

File No

1910/110

Serial No.

4

No. 2772/Muz.

To

The Muzrai Commisr

Sir,

With reference to your

Correspondence ending with your

letter No. 2441/40-41 dated

12.4.1941 requesting legal

advice in the matter of releasing
from mortgage
of the lands of Akulankulambhale

included in the usufructuary

of lands by Mr. Karambhar Subbarao

for Rs 15000 due to Sri Sufi's estate

after accepting the sum of Rs 2000

being the sale price of the

lands to be released, I am . . .

decided to state that there is
no legal objection to accept
the proposal

The enclosures send with
the letter was herewith returned

I have etc

for 11/21/4 ✓

for 12/1/40
12/1/40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. 2772/ Muz 190-40-4
Encl 1 file.

Dated, Bangalore, . 13th May 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

General Department.

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to correspondence ending with your letter No.C.441/10-41 dated the 12th April 1941 requesting legal advice in the matter of releasing from mortgage the lands ~~in~~ of Aravan-kulam village included in the usufructuary mortgage of lands by Mr. Veeravanallur Subba Rao for Rs.1,500/- due to Sri Sringeri Mutt after accepting the sum of Rs.2,500/- being the sale price of the lands to be released, I am directed to state that there is ~~x~~ no legal objection to accept the proposal.

The enclosures received with the letter are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,


 General Secretary to Government.


Aga/2.